

1 IN THE UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF TEXAS

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4 - - - - -
5 IN RE:)
6 PROFESSIONAL FEE MATTERS) CASE NO.
7 CONCERNING THE JACKSON) 23-00645 (EVR)
8 WALKER LAW FIRM,)
9 Debtor)
10 - - - - -
11

12 THIS TRANSCRIPT AND ITS EXHIBITS CONTAIN INFORMATION
13 SUBJECT TO A PROTECTIVE ORDER AND SHALL BE TREATED
14 AND USED ONLY IN ACCORDANCE THEREWITH
15

16
17 REMOTE DEPOSITION OF ANNA G. ROTMAN

18 FRIDAY, SEPTEMBER 20, 2024
19

20
21 BEHMKER REPORTING AND VIDEO SERVICES, INC.

22 BY: CRYSTAL WALKER CSR NO. 12376

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Remote Deposition of ANNA G. ROTMAN, taken on
behalf of The United States Trustee, via
videoconference with the witness located in Houston,
Texas, commencing at 9:06 A.M., FRIDAY, SEPTEMBER 20,
2024, before Crystal Walker, Certified Shorthand
Reporter No. 12376, pursuant to Subpoena.

1 THE WITNESS: I do.

2 THE COURT REPORTER: Okay. And I'll read
3 on the record.

4 This deposition is being taken using a video
5 connection before a court reporter who is not in the
6 same location as the witness. I therefore request the
7 parties stipulate that the deposition may be taken
8 remotely before this court reporter pursuant to Federal
9 Rules of Bankruptcy Procedure 7029 and 9014.

10 MR. PENA: The United States Trustee's
11 Office agrees.

12 MR. HUESTON: On behalf of Kirkland and
13 Ellis, we agree as well. John Hueston.

14 THE COURT REPORTER: You may proceed.

15 ANNA G. ROTMAN,
16 having been first duly sworn, testified as follows:
17 EXAMINATION BY MR. HUESTON:

18 Q. Ms. Rotman, please state your name for the
19 record, spelling your last name first -- spelling your
20 last name.

21 A. Anna Rotman, R-O-T-M-A-N.

22 Q. And Ms. Rotman, you're an attorney; is that
23 correct?

24 A. That's right.

25 Q. How long have you been a lawyer?

1 It says, "Documents to be produced. Number 1,
2 all documents and communications relating to Kirkland's
3 receipt of information about the existence of the
4 relationship." And the relationship is defined, you
5 know, within the document.

6 You had an opportunity to review this subpoena
7 before coming here today; is that correct?

8 A. That's correct.

9 Q. Okay. What was it that you did in order to
10 ensure that you complied with this portion -- the duces
11 tecum portion of the subpoena?

12 A. So when I received the subpoena, I sent it on
13 to our firm's general counsel. And they -- we have
14 counsel, and they engaged in a process of collecting my
15 documents and reviewing them and producing them.

16 Q. All right. To the extent -- well, let me ask
17 you a little bit about documents. The process by which
18 the documents reflected that, did that include emails?

19 A. Yes.

20 Q. Okay. Did it include texts?

21 A. Yes.

22 Q. Did it include any sort of memorialization of
23 any conversations that you had with regards to this
24 litigation?

25 A. Only if it would've been in my email or some

1 electronic source. There's nothing besides that.

2 Q. Okay. Okay. All right. Very good. So
3 physically, where are you located?

4 A. Houston, Texas.

5 Q. Okay. Does Kirkland and Ellis have a Houston,
6 Texas, office?

7 A. We do.

8 Q. Okay. How big is it? How many lawyers are
9 there?

10 A. Well, I think, now, we may be up to 280 or so.

11 Q. And does Kirkland and Ellis have a bankruptcy
12 practice in Houston, Texas?

13 A. We don't have any bankruptcy lawyers that are
14 based in Houston, no.

15 Q. Okay. Are there bankruptcy lawyers in Texas
16 that assist in Houston cases, bankruptcy cases?

17 A. Kirkland? Do -- are you referring to are
18 there -- well, are there Kirkland bankruptcy lawyers.

19 Q. Yes. Yes. Kirkland.

20 A. No. No. Kirkland has no bankruptcy lawyers
21 in Texas.

22 Q. All right. How is Kirkland set up? Is it --
23 I mean, how many lawyers does -- are associated with
24 Kirkland and Ellis?

25 A. In the entire firm, you mean?

1 Q. Yeah, the entire firm.

2 A. I suspect that there are over 3,000.

3 Q. Okay. And is it an international firm? Does
4 it have a presence in China and London and those sorts
5 of places?

6 A. It does.

7 Q. All right. How many lawyers are in Texas, if
8 you know, approximately?

9 A. I suspect there's around 400 across three
10 offices.

11 Q. Okay. Where are the primary offices located
12 in Texas?

13 A. Only three. Houston, Dallas, and Austin.

14 Q. All right. When did you join the firm?

15 A. In January, 2016.

16 Mr. Pena, may I ask, if we're not gonna --
17 can we take down the document unless we're asking
18 more questions, only 'cause then I can see you as
19 opposed to a tiny box?

20 Q. Yeah. Okay.

21 A. Perfect.

22 Q. I'm not sure that you want that, but
23 whatever -- whatever makes you comfortable.

24 A. Thank you.

25 Q. All right. So -- all right.

1 So let's talk a little bit -- go back before
2 we go into your background. Let's talk a little bit
3 about what was done to preserve documents. Was the
4 litigation hold issued with regards to the allegations
5 that have been made in these cases?

6 A. Yes.

7 Q. Okay. Who was involved in the process of
8 putting together a litigation hold?

9 A. It went through our general counsel's office.
10 I'm not certain of the exact person.

11 Q. Does Kirkland and Ellis have an IT staff in
12 Houston?

13 A. We do.

14 Q. Okay. Is the server that Kirkland and Ellis,
15 Houston uses, is that centralized in Houston?

16 A. I don't know.

17 Q. Okay. All right. Does Kirkland and Ellis
18 issue cell phones to its attorneys?

19 A. You have an option to get a Kirkland-issued
20 cellphone, yes.

21 Q. Do you have a Kirkland-issued cellphone?

22 A. I do not.

23 Q. Okay. At what point did you decide that you
24 didn't want a Kirkland-issued cellphone?

25 A. Probably -- one, because I didn't want to have

1 two different devices.

2 Q. All right. Did you provide your texts off of
3 your personal cellphone to the folks that were
4 coordinating the litigation hold?

5 A. I did.

6 Q. Okay. How --

7 A. I provided them my cellphone, and they took it
8 to image. So that would include my texts.

9 Q. All right. Very good. Okay.

10 And they -- obviously, they'd have access to
11 emails and office emails and things that were
12 associated with files that you worked on; correct?

13 A. Yes.

14 Q. Did you participate at all in the Responses to
15 Interrogatories or Request for Production that were
16 drafted in this case?

17 A. I did not.

18 Q. Were you asked for information that might have
19 been responsive to those, if you know?

20 A. I actually don't know.

21 Q. Okay.

22 A. If -- all I -- I gave my documents. They may
23 have been part of what was responsive. I just don't
24 know.

25 Q. Does Kirkland and Ellis have a policy, a

1 retention policy regarding its emails and
2 communications?

3 A. I'm sure we do, but I don't know the specifics
4 around it.

5 Q. You don't know how long the policy calls for
6 retention?

7 A. I think it depends on the nature of where the
8 email is in someone's outbox or in someone's Outlook.
9 So just basically, my own personal experience, what
10 seems to be the case is, deleted emails are at least no
11 longer accessible to me after seven days. But I have
12 all my sent emails since I started at the firm, and
13 anything that I have foldered or that is still in my
14 inbox remains.

15 Q. Okay. So you don't know if Kirkland and Ellis
16 stores, you know, the old emails even over seven days
17 on the cloud or on a storage facility or, you know, on
18 a server somewhere?

19 A. Yeah. To be clear, it's only deleted emails.
20 So anything that hasn't been deleted by me is retained.
21 Deleted emails at least disappear from me after seven
22 days. I don't know -- I actually think they are still
23 accessible, just -- but I'm not a hundred percent sure.

24 Q. All right. Are you aware of any joint defense
25 agreements that exist with regards to this litigation?

1 file cases in the Southern District of Texas and needed
2 local counsel because we had no restructuring lawyers
3 in Houston or in Texas. And Patty Tomasco was a
4 well-respected restructuring lawyer at Jackson Walker
5 that had a well-respected practice.

6 Jackson Walker is actually, I think, the
7 biggest firm that's just based in Texas, so very
8 Texan. And in that context, I got to know Patty as
9 local counsel at Jackson Walker.

10 Q. Okay. What year did you first meet Patty
11 Tomasco?

12 A. 2016.

13 Q. Okay. So about the time that you got there?

14 A. Sometime during that year.

15 Q. Yeah. Sometime during that year. All right.

16 So did you know a guy by the name of Matthew
17 Cavanaugh?

18 A. I did also get to meet Matt Cavanaugh about
19 the same time.

20 Q. Okay. And again, you know, you indicated that
21 they're a pretty big Texas firm, Jackson Walker. The
22 context under which you met Ms. Tomasco and
23 Mr. Cavanaugh, was that business-related?

24 A. It was.

25 Q. Okay. And was there a case associated with

1 that the first time that you met them, Ms. Tomasco and
2 Mr. Cavanaugh?

3 A. Yes, I believe so.

4 Q. Do you remember the name of the case, the
5 debtor's name?

6 A. I think it was Mid-States.

7 Q. Okay. And was that your first professional
8 interaction with Mr. Cavanaugh and Ms. Tomasco --

9 A. Yes.

10 Q. -- during the course of that case?

11 A. Yes.

12 Q. What was the role of Jackson Walker in that
13 case, if you recall?

14 A. I believe they were local counsel.

15 Q. Okay. Now, when you say local counsel and
16 I've seen a few of the -- a few of the declarations and
17 the applications for employment -- when you say local
18 counsel, are you essentially referring to local
19 counsel, that they -- or are you referring to
20 co-counsel? Do they enter appearances as co-counsel,
21 or do you make a distinction between the two?

22 A. I don't -- I don't know what the distinction
23 is. In my mind, they were our local counsel.

24 Q. All right. And initially, when you dealt with
25 Ms. Tomasco, was she still in the Jackson Walker Austin

1 appreciate your time spent reviewing and commenting on
2 the complex Chapter 11 procedures."

3 Do you see that? Is that one of the sentences
4 that's represented in this communication?

5 A. Yes, that sentence is written there.

6 Q. Okay. So it looks like he's asking for info
7 with regards to the continuation of the complex
8 procedures in -- for support Chapter 11 cases. Do --
9 did you ever receive a copy of this, or was this ever
10 forwarded to you for comment internally at Kirkland and
11 Ellis?

12 A. No. I didn't receive this email, and I've
13 never seen it or those procedures that I know of.

14 Q. Okay. Are you familiar with the complex case
15 panel procedures? Have you ever read them?

16 A. I can't think that I've sat down and read
17 them. I'm familiar with the concept.

18 Q. Okay. Do you rely on local counsel to educate
19 you and keep you abreast of all those sorts of nuances
20 with regards to what's required by the complex case
21 panel and its procedures?

22 A. Yes, we would.

23 Q. Okay. All right. All right. So then you go
24 back here. Well, take a look at that first email, that
25 portion. I don't see anywhere on there a reference to

1 Kirkland and Ellis back when you started?

2 A. I'm not sure if he was. I would think so. He
3 was definitely there when I was there. I don't know if
4 he was there right when I started. I suspect he was.

5 Q. Okay. What sort of practice was he involved
6 in?

7 A. He was a restructuring lawyer in the
8 restructuring practice.

9 Q. Did he also -- as a restructuring lawyer, was
10 he familiar with, you know, the bankruptcy code and the
11 requirements of the code?

12 A. I would believe so, yes.

13 Q. All right. During the period of time that
14 you've been with Kirkland and Ellis, who do you
15 consider your primary contact or your closest contact
16 at Jackson Walker in the bankruptcy unit?

17 A. I would say Matt Cavanaugh.

18 Q. Have you dealt with him -- well, let me ask
19 you this.

20 Initially, you dealt with Ms. Tomasco and
21 Mr. Cavanaugh. How would you -- at least in 2016 and
22 2017, how would you split that up, you know, in terms
23 of percentages, you know, between the two?

24 A. Oh, gosh. So my recollection is that -- at
25 the point that I'm involved, when were dealing with

1 local counsel, we're usually thinking about strategy in
2 connection with some, you know, dispute in how we are
3 gonna handle it. So I kind of remember, you know,
4 having them both involved when I was involved.

5 Q. So roughly 50/50?

6 A. No. I would say like 100/100. Like, they
7 were both involved.

8 Q. All right. All right. So -- all right. Very
9 involved all the time?

10 A. Well, let me just say, when Jackson Walker was
11 involved, both of them were involved.

12 Q. All right. Very good. And did there come a
13 time when Ms. Tomasco left Jackson Walker? Do you
14 remember when that happened?

15 A. You'd need to refresh me on the date. I know
16 that she left.

17 Q. That's fine. Did you continue after she left
18 to work with her on bankruptcy matters in Houston?

19 A. No, because she -- my understanding is she
20 wanted to pursue a creditor side practice, and our
21 practice was primarily debtor side.

22 Q. Okay. Now, the email I showed you a few
23 minutes ago, I think was marked Exhibit 101. It has a
24 email address of Patty Tomasco at Quinn Emanuel.

25 Now, the email is dated April 30, 2019. Would

1 it be fair to say that it would've been at or before
2 April 30, 2019, that she left Jackson Walker to go to
3 Quinn Emanuel?

4 A. Yes, that would be fair.

5 Q. All right.

6 A. Based on the email.

7 Q. All right. And does that comport generally
8 with what you recall?

9 A. I really don't have a good recollection of
10 dates, but I have no reason to dispute it.

11 Q. Okay. When you were dealing with Ms. Tomasco,
12 Mr. Cavanaugh, and anybody else at Jackson Walker on
13 cases that Kirkland and Ellis was involved in or that
14 you were involved in, what was the nature of the
15 communication? Was it face-to-face? Was it remote?
16 Was it telephonic? Was it text? How did you
17 communicate with them?

18 A. Usually face-to-face or on conference calls,
19 like, telephone conference calls.

20 Q. Okay. The flow of cases from Kirkland and
21 Ellis to Jackson Walker, who made the decision to use
22 them essentially as a local counsel? Or was that
23 essentially the relationship they had developed, that's
24 who you used?

25 A. I mean, we used other folks as local counsel

1 as well, but that was -- the nature of the relationship
2 was using Jackson Walker as local counsel for cases we
3 filed in the Southern District of Texas.

4 Q. Okay. What percentage of the cases, Kirkland
5 and Ellis cases, filed in the Southern District of
6 where you used local counsel went to Jackson Walker
7 versus other firms?

8 A. I don't know.

9 Q. It'd be fair to say, primarily Jackson Walker,
10 though?

11 A. I actually just don't know, as the litigator,
12 you know, like, all the cases we filed, but I know they
13 were on a number of cases that I worked on. There
14 were -- I had other cases that they weren't on.

15 Q. Who made the decision to use them -- or versus
16 another firm?

17 A. It would be someone in the restructuring
18 group, but I don't know. I mean, I guess I would say,
19 ultimately, the client would also be making the
20 decision, yeah.

21 Q. But the client relies heavily on their
22 counsel, right, in terms of recommending local counsel.
23 That be a fair statement, too?

24 A. Right.

25 Q. All right. Okay. Here we get to the top

1 part. When was the first time you found out that there
2 was a -- let's say a romantic relationship between
3 Ms. Freeman and former Judge Jones?

4 A. October 2023.

5 Q. All right. And October 2023 was when that
6 Wall Street Journal article came out; correct? Like, I
7 think it was October 7, 2023. Is that a fair
8 statement?

9 A. I'll trust you on the date, yes.

10 Q. Okay. Why was --

11 A. That was when Judge Jones confirmed that there
12 was a relationship.

13 Q. Okay. Confirmed to whom?

14 A. To the Wall Street Journal, I believe.

15 Q. All right. When that article came out, was it
16 circulated there at Kirkland and Ellis?

17 A. I would -- I'm not sure. I don't -- I think I
18 received it through, like, one of the Law 360 blasts or
19 something. So that's how I found out.

20 Q. Did you share that blast or that communication
21 with other people there at Kirkland and Ellis?

22 A. Not that I recall. Not that I recall. But if
23 there's a document, I could look at it.

24 Q. We'll go through that in a little while.

25 A. Okay.

1 Q. This isn't a gotcha. I'm just --

2 A. Okay.

3 Q. -- just asking generally.

4 So when was the first time that you found out
5 that they, in fact, lived together, cohabited?

6 A. I -- so I don't know if that was confirmed in
7 the Wall Street Journal article. I do know, prior to
8 the Wall Street Journal article, there was the filing
9 that Mr. Van Deelan made that purported to attach
10 property records that showed that they co-owned
11 property. And I think that was just a few days before,
12 in October 2023.

13 Q. Okay. So that's actually ownership of real
14 estate. Are you aware of any other relationship, for
15 example, beneficiaries of any sort of wills or estates?

16 A. Not -- no.

17 Q. Were you surprised when you read that
18 Ms. Jones and former -- Ms. Freeman and former Judge
19 Jones lived together and owned real estate together?

20 A. So I was shocked by the confirmation from
21 Judge Jones. I don't -- just to -- on your question, I
22 don't know, you know, where I read, or if there -- when
23 there was confirmation, if there has been, that they
24 lived together and owned real estate together. But I
25 was shocked that I read the confirmation of a

1 relationship.

2 Q. Have you ever been to any CLE where Judge
3 Jones or Judge Isgur provided continuing legal
4 education on the bankruptcy -- in bankruptcy?

5 A. Yes.

6 Q. Okay. When did that happen?

7 A. So I participated in a CLE with Judge Jones
8 and Judge Lopez that was on litigators appearing in
9 Bankruptcy Court to our discussion. It was other
10 litigators as well. There was a gentleman from Morgan
11 Lewis, I believe, and me, as the litigators. That was
12 an HBA. That's our Houston Bar Association CLE.

13 Q. Okay. Part of that CLE, did it include an
14 ethics component like many CLEs do?

15 A. I don't know what the accreditation was.

16 Q. Okay. So what was Judge Jones' participation?

17 A. He was a panelist.

18 Q. Okay. Along with yourself and some other
19 folks.

20 A. Yeah. Along with me, Judge Lopez, and other
21 litigators who have been in Bankruptcy Court.

22 Q. Have you ever been in Jones' -- former Judge
23 Jones' chambers?

24 A. No, not that I recall.

25 Q. Okay. Subsequent to October of 2023 when you

1 10:50.

2 BY MR. PENA:

3 Q. All right. Ms. Rotman, are you ready to
4 continue?

5 A. I'm ready.

6 Q. All right. We were about to, as a group, in
7 terms of moving through this -- obviously, there's
8 going to be some questions about the Van Deelan
9 communications and letters. I want to go through that
10 with you.

11 Was the Van Deelan event -- I'll call it the
12 Van Deelan event -- that took place around March 6,
13 2021 the first time that you heard any allegations that
14 was a romantic relationship between Judge Jones and
15 Ms. Freeman? Was that the first time you've heard
16 that?

17 A. Yes.

18 Q. Okay. You've never heard it on the street or
19 in the office or in the halls of the office or
20 watercooler talk that, you know, there was any sort of
21 relationship, other than a professional relationship,
22 between Judge Jones and Ms. Freeman?

23 A. Never.

24 Q. All right. All right. So let's talk about
25 this. And I guess it would be easier for me to go to

1 that I recall.

2 Q. Do you know if this email was ever forwarded
3 to Josh Sussberg?

4 A. I don't know.

5 Q. Did you ever forward it to Josh Sussberg?

6 A. Not that I recall, but I don't know.

7 Q. Okay. Do you recall having a conversation
8 with Josh Sussberg during that weekend or as you were
9 preparing for the hearing?

10 A. You're referring to the hearing on the Motion
11 to Recuse?

12 Q. Yeah. And we'll get there to that document in
13 a few minutes.

14 A. Sure.

15 Q. Yeah.

16 A. Yes. I did discuss the Motion to Recuse
17 hearing with Josh prior to the hearing.

18 Q. Okay. As a result of those conversations, did
19 you draw any conclusions with regards to the veracity
20 of the allegations in the -- we'll call it the Van
21 Deelan communication?

22 A. With -- discussions with Josh?

23 Q. Yes.

24 A. No.

25 Q. Okay. Did there come a time when

1 Q. Go to the second page, Item No. 6, down at the
2 bottom --

3 A. Yeah.

4 Q. -- and let me read it into the record.

5 I believe it says, "The Van Deelan
6 communications contain defamatory statements and should
7 be sealed pursuant to 11 USC Section 107(b)(2)."

8 Do you see that.

9 A. Yes, you read that correctly.

10 Q. Okay. So what communications would have been
11 considered to be defamatory in that communication -- in
12 the Van Deelan communication, specifically?

13 A. I mean, I see it as a defined term in the
14 sentence before --

15 Q. Okay.

16 A. -- where it points to counsel from McDermott
17 receiving several communications from Mr. Van Deelan
18 that had become increasingly antagonistic. And that's
19 what they're defining as Van Deelan communications. I
20 certainly understood it to include the anonymous letter
21 that Mr. Van Deelan said he received in the mail.

22 Q. Okay. And we'll get there in just a second.
23 All right.

24 This matter was actually pending in front of
25 Judge Jones, and Judge Isgur ended up sitting on the

1 hearing -- sitting -- handling the hearing on the
2 recusal; is that correct?

3 A. That's correct.

4 Q. And he sat in on the Motion to Seal -- the
5 emergency Motion to Seal; is that correct?

6 A. Are you saying Judge Isgur sat in on the
7 emergency Motion to Seal?

8 Q. Yeah. Actually sat. Was the one considering
9 the emergency Motion to Seal. Do you recall it that
10 way?

11 A. I actually -- I recall that it was sealed. I
12 actually don't recall who -- which Court ordered that.

13 Q. Okay. Now, in this particular case, there was
14 a hearing that took place. Did you appear virtually or
15 in person, if you recall?

16 A. Yeah. So I believe I must have been virtual.
17 I don't have a specific recollection, but I think it
18 was virtual given the time period of COVID.

19 Q. Okay. Do you know whether Matt Cavanaugh
20 appeared at that hearing?

21 A. I believe he also -- I think he was also
22 participating. I don't know if he made an appearance.

23 Q. Okay. Yeah. And, again, I'm just relying on
24 the record. I didn't see anywhere where he made an
25 appearance. Do you recall him being part of that

1 hearing?

2 A. I don't think he said anything at the hearing,
3 so in that sense, he wasn't a part of it. I think
4 during those days of, you know, all these hearings by
5 Zoom, he participated in the hearing the same way, you
6 know, some of the other lawyers are participating
7 today, but you're the one asking questions.

8 Q. Okay. All right. So you -- based on what you
9 recall, you think that he was on some sort of remote
10 access, but didn't --

11 A. That's my recollection.

12 Q. Okay. Now, that particular hearing, when it
13 took place, you took the lead on that. Why was that?

14 A. Because it was a Motion to Recuse that had
15 been filed by Mr. Van Deelan. So this is sort of our
16 quintessential, there's now a dispute within the
17 context of an adversary proceeding that had been -- or
18 with respect to a case that had been removed to the
19 Bankruptcy Court. And so since it's a dispute, I will
20 take the lead in anticipation of there being, you know,
21 the need to make an evidentiary record as the
22 litigator.

23 Q. Okay. And even though you have local counsel,
24 you would take the lead on matters that affected your
25 client in terms of trial work? I'm trying to

1 understand that. I mean, you have local counsel. Why
2 didn't you just use local bankruptcy counsel to take
3 the lead on that?

4 A. I think it was -- again, just kind of the way
5 we think of this is, if there's a dispute that's
6 happening before the Bankruptcy Court where there's
7 going to be evidence or potentially evidentiary
8 objections, Kirkland litigators take the lead on that.

9 Q. Now, I don't know how to characterize this
10 other than what it is. This looks like a bombshell
11 communication. When was it -- the first time that you
12 saw the actual letter? Was that at the hearing or
13 after the hearing or before the hearing?

14 A. I believe it was before the hearing.

15 Q. Okay. Who provided it to you? Was that
16 Cavanaugh -- Mr. Cavanaugh or was it Mr. Van Deelan or
17 how did you come in possession of it?

18 A. I know for sure that Mr. Van Deelan forwarded
19 to me.

20 Q. Okay. Directly?

21 A. I believe so, yes.

22 Q. Okay. In that communication, did he also
23 forward it to Mr. Cavanaugh?

24 A. I believe so. I want to say the exact email,
25 but I believe he sent it to both of us. I know for

1 sure he sent it to me.

2 Q. Is that one of the communications that had,
3 not just the letter, but also the envelope that had a
4 date stamp on it, I think, of March 3rd? Is that the
5 communication that you're talking about? Does that
6 sound about right?

7 A. I'm not sure. It could be because I don't
8 know how else -- I remember seeing the envelope, and
9 I'm not sure how else I would've gotten the envelope.
10 Although actually, was it attached to the Motion to
11 Seal. Oh, no. Okay. So --

12 Q. I'll just save you little bit of time. It's
13 attached to a communication to Matt Cavanaugh. And I
14 don't see your name on it, so I'm assuming you either
15 got it from Cavanaugh or Van Deelan sent it to you on a
16 different email train -- communication. So I'm asking
17 if you remember.

18 A. I know for sure that Van Deelan sent it to me
19 directly.

20 Q. Okay. Once you got that, the communication
21 and the envelope, did you contact anybody there at
22 Kirkland and Ellis, for example, conflicts counsel,
23 general counsel? I mean, this seems like a pretty
24 heavy allegation with regards to potential conflict
25 between an individual that represents some of your

1 clients and the judge that you're appearing in.

2 Did you do anything like that?

3 A. I forwarded it on to our general counsel's
4 office, and I'll explain why.

5 Q. Okay. Go ahead.

6 A. It's because it came from Mr. Van Deelan. And
7 we had been dealing with Mr. Van Deelan in the context
8 of the McDermott bankruptcy for, you know, now, at this
9 point, well over a year. And he was a very difficult
10 person who had caused a lot of consternation during the
11 McDermott bankruptcy and afterwards. We knew him to be
12 a serial litigant who -- other courts had found him to
13 fabricate evidence. And he was, respectfully, an
14 unstable person.

15 And so my primary concern and why I
16 forwarded this to our general counsel is, to me,
17 this was like, a Van Deelan special, that here now,
18 he said, I received this anonymous letter. I look
19 at the letter, and it seems like -- again,
20 respectfully -- something that Mr. Van Deelan
21 himself would write because we had seen a lot of
22 things that he had written in connection with
23 McDermott and other litigation. That was my
24 concern.

25 Q. All right. So let me talk to you a little bit

1 about that. And, again, this isn't a -- this is not
2 gotcha. I'm not gonna do that to you.

3 A. Thank you.

4 Q. But I'll -- but there is some information in
5 here that just seems like it would be outside of
6 Mr. Van Deelan's expertise. So if you could take a
7 look at what's been marked as Exhibit No. 5, I think it
8 in front of the screen.

9 (Exhibit 5 marked for identification.)

10 BY MR. PENA:

11 Q. Is that in front of you?

12 A. Yep, I have it here.

13 Q. Yeah. So let's -- let's go through that.
14 So -- and I understand your concern and your previous
15 experience with him, but how would Mr. Van Deelan had
16 known that Ms. Freeman worked as Judge -- former Judge
17 Jones' clerk for six years?

18 A. I don't know. He could've looked at LinkedIn.
19 I would say he's a very resourceful person. You know,
20 he's not a lawyer, but he was routinely filing things
21 in our case and citing to -- in the McDermott case,
22 and, you know, citing to different provisions of The
23 Bankruptcy Code and the Federal Rules of Evidence.

24 So he was resourceful, but I don't know. I
25 don't know that this was actually something that he

1 wrote. I don't know that. I just know that he
2 was -- had been very difficult, and so this was
3 something that he sent, and that caused me concern.

4 Q. Okay. So just before or at the time of the
5 hearing, you have this document. This represents
6 Exhibit No. 5, I believe. And you represent the
7 interest of your client at the Motion to Seal hearing.
8 And I've looked at a rough transcript of that.

9 Judge Isgur then issued an opinion. Does --
10 did he issuing a ruling from the bench at that hearing,
11 or did he subsequently issue an order?

12 A. Are you talking about a hearing on the Motion
13 to Seal?

14 Q. Yes, on the Motion to Seal.

15 A. Gosh. I'm sorry. I don't remember a hearing
16 on the Motion to Seal.

17 Q. Do you remember an order being issued by Judge
18 Jones months later on the Motion to Seal?

19 A. I -- I know that it was sealed. I know that
20 Jackson Walker filed a Motion to Seal in which they
21 said that the Van Deelan communications were
22 defamatory, so they were false. And I know they were
23 sealed. I do not recall which judge issued that order
24 or when.

25 Q. Did you ever attempt to talk to Elizabeth

1 Freeman about the allegations in this communication?

2 A. I did not.

3 Q. By the time that the Van Deelan communication
4 took place in March -- around March 6th or 7th of
5 2021, you had already worked cases with Ms. Freeman; is
6 that correct -- or worked on cases with Ms. Freeman
7 then?

8 A. Yes, that's -- that's correct.

9 Q. Okay. What sort of relationship did you have
10 up until that point?

11 A. I mean a professional relationship like I
12 would have with, you know, local counsel that was
13 working with us on a case.

14 Q. Okay. Do you -- did you or anybody at
15 Kirkland and Ellis do anything to inquire about the
16 veracity of the allegations in the communication prior
17 to the hearing on the emergency Motion to Seal?

18 A. I had a conversation with Matt Cavanaugh about
19 the communication over that weekend. And Matt told me
20 that this was new to him and that they were looking
21 into it.

22 Q. Okay.

23 A. (Zoom audio disruption) -- said to be Jackson
24 Walker, and then, Jackson Walker filed the Motion to
25 Seal where they characterized the communication as

1 defamatory. So I understood that to be their position
2 with respect to the communication was that it was
3 defamatory, right, that it was false.

4 Q. And in that's why you took the position you
5 did to seek to seal the communication; correct?

6 A. Right. So it was Jackson Walker that filed
7 the Motion to Seal, but that was why I believed they
8 took that position, which seemed like the -- I
9 understood, again, given context with Mr. Van Deelan
10 being -- you know, kind of saying things throughout our
11 year-and-a-half of experience with him that were
12 unreliable -- I understood why.

13 And the nature of the allegations, right?
14 They're pretty salacious allegations, and so I
15 understood why they would want it to be sealed.

16 Q. Okay. Did you or anybody at Kirkland and
17 Ellis subsequent to the hearing follow up with regards
18 to investigating the veracity of that letter?

19 A. I -- not that I know of because basically at
20 that point the, you know, state of play was, Jackson
21 Walker had filed the Motion to Seal saying that it was
22 defamatory. We had a hearing before -- Judge Jones
23 didn't participate in the hearing, but didn't
24 acknowledge that anything with respect to this -- what
25 you're calling the Van Deelan communication was true.

1 And then we had a hearing before Judge
2 Isgur. And at that hearing, you know, he gave
3 Mr. Van Deelan an opportunity to prove up the
4 authenticity of the letter which he was unable to
5 do. And so the Motion to Recuse was ultimately
6 denied. And so to me that was the end of it.

7 Q. In your mind --

8 A. Although Mr. Van Deelan then continued to
9 appeal and appeal and appeal, but that was sort of the
10 end of the inquiry.

11 Q. Okay. In your mind, when this case got
12 referred or this matter got referred from Judge Jones
13 to Judge Isgur, did you assume that Judge Jones or
14 Judge Isgur had had some sort of communication about
15 the veracity of the letter?

16 A. I -- I honestly don't know if I assumed one
17 way or the other.

18 Q. Were you ever made aware or are you aware of
19 this communication and how it got into Judge Jones'
20 hands, whether it was delivered by anybody at Jackson
21 Walker or Kirkland and Ellis to Chambers?

22 A. Gosh. I don't know -- I don't think we --
23 Kirkland delivered it to Chambers? I guess I --

24 Q. No. I'm not saying that.

25 Are you aware of anybody having delivered it

1 either from Kirkland and Ellis or Jackson Walker to
2 Chambers?

3 A. I'm not aware.

4 Q. Okay. Do you know if this letter was sent up
5 to the conflicts committee at Kirkland and Ellis?

6 A. I don't know.

7 Q. Do you know what steps general counsel took to
8 ascertain the veracity of the allegations of a conflict
9 of interest in this letter?

10 A. I don't know specifically, but I do know that
11 the letter was making allegations about Jackson Walker,
12 and Jackson Walker filed a Motion to Seal in which they
13 characterized the communication as defamatory. So to
14 me, that meant that their position, after looking into
15 it, as Mr. Cavanaugh said he was going to do, was that
16 the allegations were false.

17 Q. So your assumption was that they -- since it
18 involved one of their lawyers, that they would do the
19 investigation or look into it as to the truth and
20 veracity of the letter. Is that what you're saying?
21 You would've expected them to do that?

22 A. Yes. And Matt Cavanaugh said that's what they
23 were doing. So, yes.

24 Q. Okay. Now, that whole series of events took
25 place in early March. Were you ever aware of Jackson

1 Q. Are you there on 263? Do you have that in
2 front of you?

3 A. I'm with you, yes.

4 Q. Okay. Do you -- do you know what Katerra
5 is -- Katerra Inc, that case?

6 A. I'm not familiar with Katerra, no.

7 Q. Okay. Do you know if that's a Kirkland and
8 Ellis case?

9 A. I only know because, now, I'm looking at this
10 document, and there's a resolution of the board where
11 Kirkland is retained --

12 Q. Okay.

13 A. -- as general bankruptcy counsel.

14 Q. All right. And it's similar language to what
15 we already discussed in the other cases. Is that a
16 fair statement?

17 A. Similar language in terms of the retention?

18 Q. Yeah. In the terms of the retention, the
19 scope of employment.

20 A. Correct. The law firm of Kirkland and Ellis
21 as general bankruptcy counsel.

22 Q. Yeah. And in this case and June 6th of 2021,
23 Matt Cavanaugh was acting as counsel for the debtor;
24 correct?

25 A. Correct.

1 Q. All right. And were you ever made aware of an
2 opinion letter from a firm called Holland and Knight
3 around September of 2021 that addressed the Judge's
4 obligation to disclose and make a disclosure
5 independent of the lawyer's obligation?

6 A. No.

7 Q. Was that -- and when you say, no, had you ever
8 heard such an opinion existed -- or an opinion letter
9 existed?

10 A. No.

11 Q. Is this the first time you've heard about that
12 opinion letter?

13 A. I believe so.

14 Q. Did Matt Cavanaugh ever make any sort of
15 representation to you as to the scope or the results of
16 any investigation that Jackson Walker did into the
17 allegations of a inappropriate intimate financial or
18 cohabitation relationship between Ms. Freeman and Judge
19 Jones?

20 A. Yes. In the sense that Jackson Walker filed a
21 Motion to Seal in which they characterized the Van
22 Deelan communication as defamatory. So that, to me,
23 was their position on those allegations, which, you
24 know, were alleging a relationship between Judge Jones
25 and Liz Freeman.

1 Q. Okay. But subsequent to that, were you ever
2 made aware of by Mr. Cavanaugh or anybody at Jackson
3 Walker as to the results of their investigation as to
4 the veracity of those allegations was after the
5 hearing?

6 A. No.

7 Q. Okay. Subsequent -- or in the spring of 2022,
8 did Mr. Cavanaugh or anybody from Jackson Walker tell
9 you or anybody that you know at Kirkland and Ellis
10 about a meeting that took place with Ms. Freeman where
11 she confirmed that, in fact, there was an ongoing
12 relationship with Judge Jones?

13 A. No.

14 Q. Were you ever made aware that there might be a
15 relationship having to do with a right of survivorship
16 in some contexts between Ms. Freeman and Judge Jones?

17 A. No.

18 Q. Okay. Did Mr. Cavanaugh or anybody from
19 Jackson Walker ever tell you about an opinion letter
20 that they received from the same firm, Holland and
21 Knight, discussing the attorney's duty to make
22 disclosure of an improper relationship between one of
23 their partners, Ms. Freeman, and a judge in whom --
24 before whom she was appearing?

25 A. No.

1 Q. Did Mr. Cavanaugh or anybody at Jackson Walker
2 ever tell you about a meeting or a confrontation,
3 whatever you want to call it, between Mr. Cavanaugh and
4 Judge Jones where Judge Jones provided acceptable
5 language in terms of disclosure to Mr. Cavanaugh in or
6 around October or November of 2022?

7 A. No.

8 Q. Were you privy to or did you know about the
9 agreement that Jackson Walker had with Elizabeth
10 Freeman regarding her departure? I think it was called
11 a Confidential Withdrawal Agreement. Do you know what
12 the terms were?

13 A. No. Never seen it. Never heard of it.

14 Q. Has anybody ever advised you or anybody at
15 Jackson -- at Kirkland and Ellis, that you know of,
16 that one of the provisions called for a confidentiality
17 of any communications associated with the relationship
18 that Ms. Freeman had with Judge Jones? Did you know
19 about that?

20 A. No.

21 Q. Did anybody ever -- did anybody ever advise
22 you of that?

23 A. No. I don't think I've ever heard of whatever
24 that document is that you're referring to until right
25 now.

1 Q. And, again, we talked a little bit about this,
2 but I want confirmation. Subsequent to her leaving in
3 December of 2022, leaving Jackson Walker, were you ever
4 made aware that Jackson Walker was attempting to
5 continue its relationship with Liz Freeman regarding
6 cases associated with Kirkland and Ellis in -- as
7 special counsel or conflicts counsel?

8 A. No. I've never heard that.

9 Mr. Pena, would you --

10 Q. Yes?

11 A. -- can you take down the document, or do we
12 need to keep it up?

13 Q. I apologize. We're --

14 A. It's fine. It's just because it's easier if I
15 look directly at you. I've --

16 Q. Yeah. It is -- Ms. Rotman, I agree a thousand
17 percent. I'm not a big fan of this. So I'd rather be
18 in a room with you and make it a lot easier. I
19 understand. But I think we've just got a few more
20 documents I want to go through. And it will be easier
21 just to keep it up for -- (Simultaneous speaking.)

22 A. Okay.

23 Q. -- with anybody else. All right.

24 [REDACTED]
25 [REDACTED]

1 Girlfriend Cash In."

2 Do you see that?

3 A. I see that.

4 Q. Have you ever seen this article before? Have
5 you read it before?

6 A. I have.

7 Q. When did you read it? Do you remember?

8 A. Probably around the time that it was published
9 so, you know, sometime in June of 2024.

10 Q. Okay. What was your reaction -- your guttural
11 reaction when you read that?

12 A. It had a lot of inaccuracies with respect to
13 Kirkland.

14 Q. Okay. Well, let's go through some of them.
15 All right. Let me highlight this section where -- I'm
16 going to read a paragraph in the reported story marked
17 as Exhibit 265.

18 "Certain lawyers at Kirkland had already heard
19 talk that Jones and Freeman were lovers and some spoke
20 about it with other lawyers, according to people
21 familiar with conversations."

22 Do you know of any Kirkland lawyers that knew
23 or had heard about the romantic relationship between
24 Jones and Freeman?

25 A. No. Not before the October 2023 confirmation

1 from Judge Jones.

2 Q. Okay. We've gone over this a little bit, but
3 I need to ask if you have any reason to quarrel with
4 us. This paragraph. I'm going to read into the
5 record.

6 "Jackson Walker didn't publicly disclose what
7 it learned about Jones/Freeman relationship at the
8 time. Kirkland also kept quiet about the allegation.
9 Jones remained Houston's chief bankruptcy Judge, and
10 Freeman continued to work on Kirkland cases involving
11 Jones."

12 Where it says, "Kirkland also kept quiet about
13 the allegation," did Kirkland know anything subsequent
14 to March of 2021 about the nature of the relationship
15 between Judge Jones -- Judge -- yes, Judge Jones and
16 Elizabeth Freeman?

17 A. What Kirkland knew is that Jackson Walker had
18 filed in Motion to Seal in which they characterized a
19 communication about the alleged relationship as
20 defamatory. That's all we knew.

21 Q. Okay. And you -- and Kirkland and Ellis, as
22 far as you know, was not made -- was not made aware of
23 the results of investigation or interviews with
24 Ms. Freeman subsequent to that. Is that a fair
25 statement?

1 STATE OF TEXAS)

2 COUNTY OF DENTON) ss.

3 I hereby certify that the witness in the
4 foregoing deposition, ANNA G. ROTMAN, was by me duly
5 sworn to testify to the truth, the whole truth, and
6 nothing but the truth, in the within-entitled cause;
7 that said deposition was taken at the time and place
8 herein named; that the deposition is a true record of
9 the witness's testimony as reported by me, a duly
10 certified shorthand reporter and a disinterested
11 person, and was thereafter transcribed into typewriting
12 by computer.

13 I further certify that I am not interested in
14 the outcome of the said action, nor connected with, nor
15 related to any of the parties in said action, nor to
16 their respective counsel.

17 IN WITNESS WHEREOF, I have hereunto set my
18 hand this 23rd day of September, 2024.

19 Reading and signing was:

20 _x_ requested ___ waived ___ not requested

21
22 

23
24 CRYSTAL WALKER, CSR NO. 12376

25 STATE OF TEXAS

In Re: PROFESSIONAL FEE MATTERS CONCERNING THE JACKSON WALKER LAW FIRM, DEBTOR.

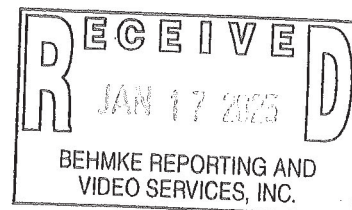
Case No: 23-00645 (EVR)

Witness: ANNA G. ROTMAN

Date of Deposition: FRIDAY, SEPTEMBER 20, 2024

Control Number: 43351A

Reporter: CRYSTAL WALKER, CSR 12376



I HAVE READ THE DEPOSITION AS REQUESTED. PLEASE NOTE THE FOLLOWING:

 No changes need to be made to the transcript.

 X Changes listed below.

Anna G. Rotman
WITNESS SIGNATURE

12/18/24
DATE SIGNED

Note: Please check the appropriate column for add (+) or delete (-). If you wish to add anything to the deposition, use the exact words you want to add. If you wish to delete anything from the deposition, please use the exact words

Page Line + -

- 16:7 Change <EXAMINATION BY MR. HUESTON> to <EXAMINATION BY MR. PENA>
- 31:25-32:1 Change <Kirkland and errors> to <Kirkland and Ellis>
- 34:5 Change <structuring services> to <restructuring services>
- 42:5 Change <Mid-States> to <Midstates>
- 53:14 Change <the Mid-States case> to <the Midstates case>
- 57:1-3 Change <Meef Fest> to <Meat Fest>
- 57:12 Change <Alex Partners> to <AlixPartners>
- 63:25 Change <when were dealing with> to <when we're dealing with>
- 66:26-67:1 Change <Here we get to the top part> to <Here we get to the tough part>
- 68:9, then passim Change <Van Deelan> to <Van Deelen>

Rotman Deposition Errata, Continued

- 76:7-13 Change to link to the correct Exhibit 138 (motion to seal)
- 97:20 Change <is her outside counsel> to <is our outside counsel>
- 101:2, 105:11, 105:20 Change <Jones' Energy> to <Jones Energy>
- 114:11 Change <Exhibit 60 marked for identification> to <Exhibit 260 marked for identification> and add link
- 115:25 Change <Houston including which many cases in which K and E> to <Houston, including many cases in which K&E>
- 116:4-6 Change <Smile Direct Club, Center for Autism and Related Disorders, Genesiscare, Envision, Benefytt, Venator, and Avaya> to <SmileDirectClub, Center for Autism and Related Disorders, GenesisCare, Envision, Benefytt, Venator and Avaya>

